

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

IN THE MATTER OF

TITAN INVESTMENTS LIMITED PARTNERSHIP, and TITAN GENPAR INC.,
and EVOLUTION CAPITAL MANAGEMENT LTD., and THE ESTATE OF DAVID
COMTE, DECEASED, and THE COMTE FAMILY TRUST and PREDATOR
HOLDINGS LTD.

IN THE MATTER OF THE *JUDICATURE ACT*, R.S.A.2000, c-J-2, and RULES 467
and 468 OF THE ALBERTA RULES OF COURT

EDYTA CZARNECKI AND 924888 ALBERTA LTD. AND
ETENRIT INSTITUTE INC.

Appellants

INVESTORS COMMITTEE

Respondent

ALGER & ASSOCIATES INC.

Receiver Respondent

BEFORE THE HONOURABLE

~~MR.~~ / MME. JUSTICE

C.M. CONRAD

IN CHAMBERS

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)
)
)

At the Court of Appeal of Alberta in the
City of Calgary, in the Province of Alberta,
on Tuesday, the 10th day
of January, 2006.

CONSENT ORDER

UPON the joint application of counsel for the Applicants, the Investors Committee and Alger & Associates Inc., AND UPON noting the consent of the Respondents (Appellants), Edyta Czarnecki, 924888 Alberta Ltd. and Etenrit Institute Inc.; AND UPON noting the consent of counsel for John McAra, the Appellant in Appeal No. 0501-0271AC, which appeal has now been discontinued; IT IS HEREBY ORDERED THAT:

1. This Honourable Court and the parties to the within appeal shall be entitled to use and rely on the Appeal Books filed in Appeal No. 0501-0271AC, which appeal has now been discontinued, in the within appeal.

2. The Clerk of the Court of Appeal shall transfer the Appeal Books filed in Appeal No. 0501-0271AC to the within appeal.

3. The costs of preparation of the Appeal Books shall be determined in the cause. Under no circumstances shall John McAra, the Appellant in Appeal No. 0501-0271AC, be liable for the costs of preparation of the Appeal Books.

4. This Order may be consented to in counterparts and by facsimile.

Jarvis Ernst

Deputy Registrar
Justice

CONSENTED TO:

PHILIP G. LISTER PROFESSIONAL CORPORATION

Per: *Philip G. Lister*

Philip G. Lister
Solicitors for the Appellants,
Edyta Czarnecki, 924888 Alberta Ltd. and Etenrit Institute Inc.

CONSENTED TO:

MILES DAVISON LLP

Per:

Susan L. Robinson Burns
Solicitors for the Appellant in Appeal No. 0501-0271AC,
John McAra

ENTERED this th 10 day of January, 2006.

[Signature]

Deputy Registrar



2. The Clerk of the Court of Appeal shall transfer the Appeal Books filed in Appeal No. 0501-0271AC to the within appeal.
3. The costs of preparation of the Appeal Books shall be determined in the cause. Under no circumstances shall John McAra, the Appellant in Appeal No. 0501-0271AC, be liable for the costs of preparation of the Appeal Books.
4. This Order may be consented to in counterparts and by facsimile.

Deputy Registrar

CONSENTED TO:

PHILIP G. LISTER PROFESSIONAL CORPORATION

Per: _____

Philip G. Lister
Solicitors for the Appellants,
Edyta Czarnecki, 924888 Alberta Ltd. and Etenrit Institute Inc.

CONSENTED TO:

MILES DAVISON LLP

Per:  _____

Susan L. Robinson Burns
Solicitors for the Appellant in Appeal No. 0501-0271AC,
John McAra

ENTERED this ____ day of January, 2006.

Deputy Registrar

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IN THE MATTER OF THE *JUDICATURE ACT*, R.S.A.2000,
c-J-2, and RULES 467 and 468 OF THE ALBERTA RULES
OF COURT

EDYTA CZARNECKI AND 924888 ALBERTA LTD. AND
ETENRIT INSTITUTE INC. Appellants

INVESTORS COMMITTEE Respondent

ALGER & ASSOCIATES INC. Receiver Respondent

CONSENT ORDER

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